

House Bill 91  
Amendment Explanation

The purpose of this amendment is to clarify existing law about the protection of sacred communication, between clergy and patient. In Christian Science, we don't have "clergy" per se, but we do have what we refer to as a "Christian Science Practitioner," who is someone in the full time practice of assisting others, through spiritual prayer, to achieve healing of any type of issue (health, financial, relationship, etc.). This service is available to anyone who is seeking to resolve his or her issues through reliance on spiritual treatment, not just members of the Christian Science Church. Individuals serving in this capacity are not ordained, but have gone into the practice of Christian Science healing because of their ability to demonstrate reliable and consistent healing of others on a regular basis. So while not "clergy" per se, they serve a ministerial function and have a very important role in the practice of Christian Science. In this capacity, as with a more traditional clergy person or priest, a patient of a Christian Science Practitioner necessarily communicates very personal information to the Christian Science Practitioner, which information may be important, if not critical, to the healing process. To promote healing, it is critical to safeguard the confidentiality of this information. In fact, *The Church Manual* of The First Church of Christ, Scientist- the unchanging, governing document of the church which has been in effect for over one hundred years- states in Article 8, section 22:

"Practitioners and Patients. SECT. 22 Members of this Church shall hold in sacred confidence all private communications made to them by their patients; also such information as may come to them by reason of their relation of practitioner to patient. A failure to do this shall subject the offender to Church discipline."

It is only fair that all religious bodies be treated the same way with regard to their sacred communications and be afforded the same protections as those serving in a more traditional clergy or priest function. While this certainly appears to be the intent of the law, the narrow terminology in the existing law makes the applicability of this provision ambiguous for Christian Science Practitioners and their patients. Many states expressly extend protections to sacred communications between Christian Science Practitioners in child abuse reporting statutes and evidence codes. I have provided you with two exhibits that outline these express provisions, which are in addition to others that, although not specific to Christian Science Practitioners, extend the sacred communication protections in a more general way, for example by referring to "religious healers" or a broader description of the types of ministerial functions to which such protections are extended.

Thank you for considering this amendment.

**10 STATES IN WHICH A CHRISTIAN SCIENCE PRACTITIONER IS EXPLICITLY  
INCLUDED WITHIN THE DEFINITION OF CLERGY (OR IS MENTIONED  
TOGETHER WITH CLERGY) AND IS AFFORDED THE SACRED  
COMMUNICATION PRIVILEGE IN CHILD ABUSE AND NEGLECT REPORTING  
LAWS  
AS OF DECEMBER, 2006**

**Arizona**

"... A member of the clergy, christian science [sic] practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, christian science [sic] practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, christian science [sic] practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, christian science [sic] practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, christian science [sic] practitioner or priest may otherwise make of the minor. ..."

Ariz. Rev. Stat. § 13-3620(A) (2006).

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**Arkansas**

"... (b) (1) No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and any person confessing to or being counseled by the minister, shall prevent anyone from testifying concerning child maltreatment. ..."

Ark. Code Ann. § 12-12-518(b)(1) (2006).

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**Louisiana**

"(c) 'Member of the clergy' is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization, except that he is not required to report a confidential communication, as defined in Code of Evidence Article 511, from a person to a

member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities in accordance with Article 610.”  
La. Ch. Code Ann. art. 603(13)(c) (2006).

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### Massachusetts

“... a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or **accredited Christian Science practitioner** shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths.”  
Mass. Gen. Laws Ann. ch. 119, § 51A (2006).

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### Michigan

“... ‘Member of the clergy’ means a priest, minister, rabbi, **Christian science [sic] practitioner**, or other religious practitioner, or similar functionary of a church, temple, or recognized religious body, denomination, or organization.”  
Mich. Comp. Laws § 722.622(1) (2006).

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### Missouri

“1. As used in this section, the following words and phrases shall mean: . . .  
(3) ‘**Minister**’, any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, **Christian Science practitioner**, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or has access to a child.”  
Mo. Ann. Stat. § 352.400(1)(3) (2006).

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### Nevada

"A report must be made pursuant to subsection 1 by the following persons: . . . (d) A clergyman, **practitioner of Christian Science** or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession; . . ."

Nev. Rev. Stat. § 432B.220(4)(d) (2006).

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### Ohio

"As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code [Ohio's Evidence Code]."

Ohio Rev. Code § 2151.421(A)(4)(e) (2006).

Section 2317.02 of the Ohio's Revised Code provides:

'Cleric' means a member of the clergy, rabbi, priest, **Christian science [sic] practitioner**, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

Ohio Rev. Code § 2317.02(C)(2)(a) (2006).

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### South Carolina

"The privileged quality of communication between husband and wife and any professional person and his patient or client, except that between attorney and client or clergy member, **including Christian Science Practitioner** or religious healer, and penitent, is abrogated and does not constitute grounds for failure to report or the exclusion of evidence in a civil protective proceeding resulting from a report pursuant to this article. However, a clergy member, **including Christian Science Practitioner** or religious healer, must report in accordance with this subarticle except when information is received from the alleged perpetrator of the abuse and neglect during a communication that is protected by the clergy and penitent privilege as defined in Section 19-11-90."

S.C. Code Ann. § 20-7-550 (2005).

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Vermont

"... **'Member of the clergy'** means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, **accredited Christian Science practitioner**, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or **accredited Christian Science practitioner.**"

**Vermont Stat. Ann. tit. 33 § 4912(12) (2005).**

**21 STATES (AND THE DISTRICT OF COLUMBIA) IN WHICH A CHRISTIAN  
SCIENCE PRACTITIONER IS EXPLICITLY INCLUDED WITHIN THE  
DEFINITION OF CLERGY (OR IS MENTIONED TOGETHER WITH CLERGY)  
AND IS AFFORDED THE SACRED COMMUNICATION PRIVILEGE IN RULES OF  
EVIDENCE,  
as of DECEMBER 2006**

**Arkansas**

**"... A 'clergyman' is a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him."  
Ark. Code Ann. § 16-41-101, Rule 505(a)(1) (2006).**

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**Delaware**

**"... A 'clergyman' is a minister, priest, rabbi, accredited Christian Science practitioner or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him."  
Del. Rules 505(a)(1) (2006).**

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**Florida**

**"... A 'member of the clergy' is a priest, rabbi, practitioner of Christian Science, or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her."  
Fla. Stat. Ann. § 90.505(1)(a) (2006).**

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### West Virginia

"No priest, nun, rabbi, **duly accredited Christian Science practitioner** or member of the clergy authorized to celebrate the rites of marriage in this state pursuant to the provisions of article two, chapter forty-eight of this code shall be compelled to testify in any criminal or grand jury proceedings or in any domestic relations action in any court of this state: (1) With respect to any confession or communication, made to such person, in his or her professional capacity in the course of discipline enjoined by the church or other religious body to which he or she belongs, without the consent of the person making such confession or communication; . . ."

W. Va. Code § 57-3-9(1) (2006).

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### District of Columbia

"A priest, clergyman, rabbi, or other duly licensed, ordained, or consecrated minister of a religion authorized to perform a marriage ceremony in the District of Columbia or **duly accredited practitioner of Christian Science** may not be examined in any civil or criminal proceedings in the Federal courts in the District of Columbia and District of Columbia courts with respect to any –

(1) confession, or communication, made to him, in his professional capacity in the course of discipline enjoined by the church or other religious body to which he belongs, without the consent of the person making the confession or communication; or

(2) communication made to him, in his professional capacity in the course of giving religious or spiritual advice, without the consent of the person seeking the advice; . . ."

D.C. Code Ann. § 14-309(1),(2) (2006).